

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
GIANNI THOMAS,  
Defendant.

Case No. CR22-198-RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS DUE  
DATE

The Court has considered the defense's unopposed request to continue the trial date and pretrial motions deadline, as discussed in open court on January 13, 2023, as well as defendant's knowing and voluntary waiver (Dkt. # 39), and finds as follows:

1. Pursuant to defendant's unopposed motion, as discussed in open court, the Court finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3. The Court finds that the additional time requested between the current trial date of February 27, 2023, and the proposed trial date of September 11, 2023, is a reasonable period of delay. The Court finds that this additional time is necessary to provide defense counsel reasonable time to prepare for trial, as defendant has requested more time to prepare for trial, to

**ORDER GRANTING UNOPPOSED**

**MOTION TO CONTINUE TRIAL - 1**

1 continue to investigate the matter, to gather evidence material to the defense, and to consider  
2 possible defenses. The additional time requested between the current trial date and the new trial  
3 date is necessary to provide counsel for the defendant the reasonable time necessary to prepare  
4 for trial, considering all of the facts set forth above.

5       4. The Court further finds that this continuance would serve the ends of justice, and  
6 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
7 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

8       5. Defendant has signed a waiver indicating that he has been advised of his right to a  
9 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
10 that right and consented to the continuation of his trial to a date up to and including September  
11 30, 2023, Dkt. # 39, which will permit his trial to start on September 11, 2023.

12       IT IS HEREBY ORDERED that the trial date shall be continued from February 27,  
13 2023, to September 11, 2023, and pretrial motions are to be filed no later than August 7, 2023;

14       IT IS FURTHER ORDERED that the period of time from this Order, up to and including  
15 the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161,  
16 *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for  
17 speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

18       DATED this 13th day of January, 2023.  
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22       Robert S. Lasnik  
23       United States District Judge  
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